IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

SPECIAL CIVIL APPLICATION No 10602 of 2002

For Approval and Signature:

Hon'ble MR.JUSTICE KUNDAN SINGH

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1. Whether Reporters of Local Papers may be allowed to see the judgements? : NO

2. To be referred to the Reporter or not? : NO

3. Whether Their Lordships wish to see the fair copy of the judgement? : NO

4. Whether this case involves a substantial question of law as to the interpretation of the Constitution of India, 1950 of any Order made thereunder? : NO

5. Whether it is to be circulated to the concerned Magistrate/Magistrates,Judge/Judges,Tribunal/Tribunals? : NO

NOTARIES ASSOCIATION GUJARAT

Versus

REGIONAL PASSPORT OFFICER

Appearance:

1. Special Civil Application No. 10602 of 2002

MR RS SANJANWALA for Petitioner No. 1-1/3

MR NJ SHAH FOR MR DN PATEL Sr. Central Govt. Standing Counsel for Respondents.

CORAM : MR.JUSTICE KUNDAN SINGH

Date of decision: 23/01/2003

ORAL JUDGEMENT

1. Rule. Mr. N.J. Shah learned counsel appears on behalf of Mr. D.N. Patel, learned Sr. Central Government Standing Counsel, and waives service of notice of Rule on behalf of the respondents.

2. Heard the learned counsel for parties.

3. This petition is filed for directions to the respondent authority to accept all types of affidavits sworn before the Notary and directing them not to reject the affidavits of the Notaries only on the ground that the affidavit is sworn before the Notary and further directing them not to insist upon the affidavits being sworn before the Magistrate and also for direction to the respondent authority to withdraw the Passport Information Booklet containing wrong forms and to correct the forms of affidavits given in the Passport Information Booklet and in each form insert the word "Notary", after the word, "Magistrate".

4. In the present case, the interim relief was granted by this Court directing the passport authority to accept the affidavit as duly sworn before the Notary under the Notaries Act vide order dated 27-12-2002. The respondent authority was also directed to verify the genuineness or other legal aspects of the affidavit or the documents which may be produced before it.

5. Learned counsel for the respondent has stated that the directions given in the interim order passed by this Court on 27-12-2002 have been accepted by the respondent authority and the affidavits sworn before the Notary will not be rejected on the ground that they have not been sworn before the Magistrate as required in the application Forms for issuance of the passports.

6. In view of the acceptance made by the respondent authority regarding the directions given in the interim order dated 27-12-2002 passed by this Court in this petition, this petition is allowed. Rule is made absolute, with no order as to costs.

(Kundan Singh, J.)
/JVSatwara/